

## Exhibit B

This page intentionally left blank.

## **EXHIBIT C PROJECT DISCUSSION**

### **Establishment and Purpose of the Scenic Easement.**

The easement proposed to be amended was required as a condition of approval for the Indian Springs Ranch subdivision. Language contained in the easement prohibits the placement of structures, except for the following:

- Equine facilities such as corrals, stables, paddocks, exercise rings, horse arenas;
- Tennis courts
- Swimming pools
- Dressing and rest rooms
- Community recreational building
- Recreational vehicle and horse trailer storage
- Picnic and play facilities
- Utilities such as water wells, irrigation facilities, water reservoirs, water systems, sewer systems with treatment and disposal facilities, electricity, telephone and cable TV systems, stormdrains, and land erosion relief
- Access such as streets, roads, pedestrian and horse trails

The language continues to state that the uses above shall not “materially alter the landscape or other attractive scenic features” and that the general topography of the landscape shall be maintained.

Considering the allowed uses and restrictions listed above, the easement was not intended to restrict all development (as with typical scenic and conservation easements). Instead, it appears that utility of the easement area would be for quasi-open space/recreational uses, allowing for development (such as recreational and utility facilities) so long as they do not greatly alter the landscape and/or impact the scenic quality of the site.

### **Would amending the easement be detrimental to the purpose and intent of establishing the easement?**

As discussed above, the purpose of the easement is to ensure protection of the scenic value of the site without a complete restriction on the land. The amendment would be in keeping with the intent and purpose of the easement if it did not allow for a proliferation of WCF and did not result in alteration of the general topography and scenic features of the site. As such, the proposed amendment and approval of the WCF would go hand in hand. The effective date of the Use Permit approval would be contingent upon approval of the easement amendment and the amended language would be limited to “permitted wireless telecommunications facilities.” A site plan of the easement area and location of the WCF lease area would be included as an Exhibit to the easement.

### **Would establishment of the WCF be consistent with the allowed uses and structures listed as exceptions in the easement?**

The WCF could be considered similar to those structures/uses listed as exceptions to the restrictions. For instance, the telecommunications pole is of similar character, nature, and

intensity to electricity, telephone and cable TV systems. The existing structures within the easement area consists of fencing and equine facilities such as a corral, arena, paddock, stables, outbuildings, and trailer storage areas. Vegetation is comprised of an open grass area on the northern portion, Coast live oaks and brush along the eastern portion, and a large grove of eucalyptus trees on the western portion, just south of the equine facilities. On the southernmost portion of the easement area, there is a R.V. parking area tucked within the grove of Eucalyptus trees and outdoor play areas such as a ball field, court, and play structures.

The proposed 1,120 square foot WCF lease area is approximately 75-feet south of the horse arena, 50-feet northwest of the group of oaks and brush, and 220-feet northeast of the grove of Eucalyptus trees. The most visible portion of the WCF would be the 34-foot tall telecommunications pole. The pole design previously presented to the commission was a mono-eucalyptus. This design was identified as most appropriate due to the surrounding vegetation. However, the commission noted that faux vegetation isn't always appropriate in every case and directed staff to work with applicant to identify additional design. Further design alternatives were explored resulting in three prospective designs: the mono-eucalyptus (**Figure 1**), the faux-water tank (**Figure 2**), and the mono-pine (**Figure 3**). An additional design, the mono-pole (**Figure 4**), was considered but immediately dismissed as it would not blend into the environment.



**Figure 1. Mono-Eucalyptus**

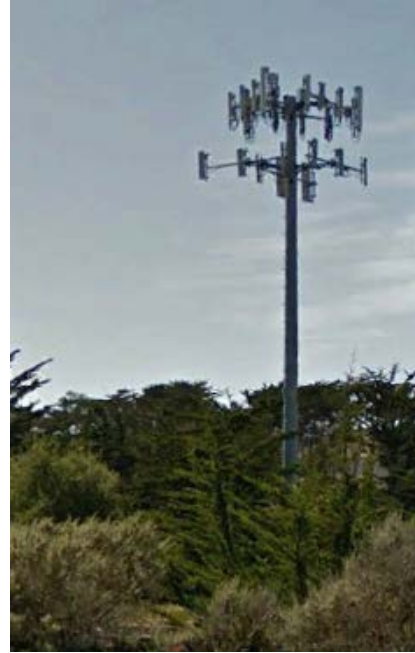


**Figure 2. Faux-Water Tank**

The area along River Road is rural in character as a result from a rich history of agriculture, farming and grazing, and policies of the Toro Area plan that call for the protection the landscape that attributes to such character. As represented by the photosimulations (**Exhibit E**) submitted by the applicant, the mono-eucalyptus appears to blend into the vegetation when viewed from areas where the grove of Eucalyptus trees provides a backdrop. There are areas, however, where the WCF could be seen without the grove of Eucalyptus trees in the background. These areas are either located within the Indian Springs Ranch subdivision or on private roads adjacent to the development area. Although the language of the easement specifies that it is intended as a “public benefit,” the easement area is also part of the common area of the subdivision which is a benefit to the subdivision as a whole. Monterey County regulations do not, and cannot, allow for enforcement of private Declarations of Protective Restrictions of subdivisions; however, staff has considered this information as guidance for the threshold for consistency of the character of the area.



**Figure 3. Mono-Pine**



**Figure 3. Mono-Pole**

Considering the rural character of the area, rustic nature of the existing surrounding development, and design examples submitted by the applicant; staff finds that either the mono-eucalyptus or faux-water tank most appropriate. The overall size of both structures is comparable, the mono-eucalyptus is 34-feet tall with an average diameter of 17-feet 6-inches and the faux water is approximately 34-feet tall with a 12-foot diameter tank. While the mono-eucalyptus is designed to make it difficult for the viewer to discern whether or not it is part of the natural landscape, there have been examples of designs that were not successful. The faux water tank would result in a structure with greater mass; but, as shown in **Figure 2**, could consist of a rustic design which would blend with the existing structures.

**Would establishment of the WCF interfere with the allowed uses and structures listed as exceptions in the easement?**

The location of the proposed WCF is adjacent to existing access easements and would not require additional access roads for construction and maintenance. Furthermore, placement of either design would not interfere with the existing uses in the easement area.

**Staff's Determination**

Staff finds the amendment to the easement and establishment of the WCF consistent with the purpose and intent to which development is restricted. The recommended language of the easement would restrict WCFs to only those that were permitted (the proposed project, if approved) resulting in protection from indiscriminate and inappropriate proliferation of WCFs on the site. A monopole disguised as a Eucalyptus or water tank would be consistent with the rural character of the area and would not detract from the scenic qualities of the site. In addition, establishment of the WCF would not interfere with the existing uses on the site.

Staff further finds that establishment of the WCF meets the required findings pursuant to Chapter 21.64.310 – Regulations for the Siting, Design, and Construction of Wireless

Communication Facilities, of the Monterey County Code as it will not significantly affect the public viewshed, scenic corridor, or environmentally sensitive resource; the site is the most adequate for the provision of services as required by the Federal Communications Commission; the project complies with all WCF requirements; and the WCF site is in compliance with zoning.

Based on the project application and proposed conditions of approval, staff finds the project consistent with the applicable policies and regulations contained in the 2010 Monterey County General, the Toro Area Plan, and the Monterey County Zoning Ordinance. Staff recommends the Planning Commission consider and recommend the Board of Supervisors accept the Amended Conservation and Scenic Easement Deed from the Indian Springs Ranch Property Owners Association and consider and approve the Use Permit and Design Approval, subject to the acceptance of the amended easement, to allow the establishment of a WCF in the proposed location shown in the attached site plan contained in **Exhibit C** to be disguised as either a mono-eucalyptus or a faux water tank.